IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1806 of 2007(M)

PETITIONER:

UNIVERSAL GLOVES PVT.LTD.,
PLOT NO.15, CSEZ, KAKKANAD, KOCHI-30,
REPRESENTED BY ITS DIRECTOR SRI.K.G.MATHEW.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SMT.TULASI PANICKER

RESPONDENTS:
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1. THE PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, BHAVISHIANIDHI BHAVAN,
KALOOR, KOCHI-17.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND
ORGANISATION, SUB REGIONAL OFFICE,
BHAVISHIANIDHI BHAVAN, KALOOR, KOCHI-17.

3. THE EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, NEW DELHI, REPRESENTED BY ITS REGISTRAR.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.1806 of 2007

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Dated this the 16th day of January, 2007.

JUDGMENT

The petitioner is challenging order issued under Section 14B of the Employees Provident Fund and Miscellaneous Provisions Act demanding damages for belated payment of Provident Fund. Even though statutory appeal is provided, the same is barred by limitation. Having regard to the circumstances under which delay occurred, I feel petitioner can be permitted to file belated appeal with direction to the Tribunal to condone the delay if part payment is made. Accordingly W.P. is disposed of directing the petitioner to file appeal after payment of one third of the demand made under Section 14B before second respondent and produce the receipt of such payment along with appeal within a period of six weeks from today. If appeal is filed within six weeks along with receipt of payment of one third as directed above, there will be direction to third respondent to admit the appeal as one filed in time, hear the petitioner and dispose of the same on merits within four months from the date of filing the appeal. Recovery proceedings will remain stayed for six weeks from now and if one third is paid, recovery of the balance will remain stayed for six months thereafter

and recovery thereafter will be based on orders of the Tribunal in the appeal so filed.

C.N.RAMACHANDRAN NAIR
Judge

pms